

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4994 of 1992

with

Cr.MISC. APPLICATION NO. 4990 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

VIRSANGBHAI ABHERAJBHAI

CHAUDHARY

Versus

STATE OF GUJARAT

Appearance:

MR YS LAKHANI for Petitioner

Mr M A Bukhari, APP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 20/01/97

ORAL JUDGEMENT

By way of this Criminal Application under section 482 of the Cr. P.C., the petitioner seeks direction to quash the criminal complaint registered as C.R. No.II 54/902 registererd at Dharampur police station, District Valsad for offences under section 3(10) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act of 1989').

One Harjibhai D Jadav, a student of S.Y.B.A. of Vanraj Arts & Commerce College at Dharampur submitted a written report dated 10.12.1992 to the Dy. Superintendent of Police, stating inter alia, that on 1.12.1992, he had attended the class of Teacher Virsangbhai Choudhary. The said Shri Choudhary asked him to read some passage from Gujarati novel. This was protested by him and some other students. The said Choudhary rudely behaved with the petitioner who is an Adivasi belonging to Scheduled Tribe. The said rude behaviour has caused great mental torture to the petitioner in particular and to the entire Adivasi community. On this information, the police has registered case against the petitioner for offences under section 3(1)(10) of the Act of 1989.

2. It is contended by the learned Advocate Mr Y S Lakhani that the FIR has been filed malafidely to humiliate the petitioner, who is a reputed lecturer in the college. He submits that even if whatever stated in the complaint is accepted to be true on its face value no offence under the Act of 1989 is constituted.

3. I have gone through the complaint. I quite agree with Mr Lakhani that even if the contents of the complaints is accepted on its face value, the same does not constitute offence under sectionn 3(1)(10) of the Act of 1989. In view of the aforesaid, this Criminal Misc.Application is allowed. Cr.No.II 54/92 registered at Dharampur police station, District Valsad is hereby quashed and set aside.

Rule made absolute accordingly.

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